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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

PIRAYEH M. NAJMABADI, an individual, Plaintiff, vs. THELIOS USA INC., a Foreign Corporation; LVMH MOET HENNESSY LOUIS VUITTON INC., a Foreign Corporation; SPARKS MARKETING, LLC, a Foreign Limited-Liability Company; DOES I through X; and ROE CORPORATIONS XI through XX, inclusive, Defendants. ) Case No. 2:24-cv-00217-GMN-DJA ) AMENDED STIPULATION AND ORDER TO EXTEND DISCOVERY DEADLINES (SECOND REQUEST)

**IT IS HEREBY STIPULATED AND AGREED TO** by and between Plaintiff PIRAYEH M. NAJMABADI (“Plaintiff”), by and through her attorney of record, Brian E. Lunt, Esq. of the law firm Edward M. Bernstein & Associates, and Defendants THELIOS USA INC., and LVMH MOET HENNESSY LOUIS VUITTON INC. (“LVMH”), by and through their attorney of record, Robert Schumacher. of the law firm Gordon Rees LLP. Defendant SPARKS MARKETING, LLC (“SPARKS”), by

1 and through its attorneys of record, Melissa Ingleby, Esq., and Ashley L. Zurkan, Esq.,  
2 of the law firm Bremer Whyte Brown & O'Meara LLP, Defendant SRS  
3 FABRICATION INC. ("SRS"), by and through its attorney Kevin S. Smith, Esq., of  
4 the law firm Hall Jaffe, and Defendant CSI WORLDWIDE ("CSI"), by and through  
5 its attorney Megan K. Dorsey of the law firm Koeller Nebeker Carlson Haluck LLP,  
6 and for good cause that the discovery deadlines in the above-entitled matter be  
7 extended by ninety-seven (97) days to allow for necessary discovery.

**I.**  
**DISCOVERY COMPLETED TO DATE**

Listed below is a statement specifying the discovery completed in this case:

11 1. Plaintiff's Initial List of Witnesses and Production of Documents made pursuant  
12 to FRCP 26(a)(1).

13 2. Defendants' LVMH Initial List of Witnesses and Production of Documents made  
14  
15 pursuant to FRCP 26(a)(1).

16 3. Defendant SPARKS Initial List of Witnesses and Production of Documents  
17 made pursuant to FRCP 26(a)(1).

19 4. Defendant SRS Initial List of Witnesses and Production of Documents made  
20 pursuant to FRCP 26(a)(1).

21 4. Defendant SPARKS First Set of Interrogatories, Requests for Admission, and  
22 Requests for Production to Plaintiff made pursuant to FRCP 33, 34, and 36

24 5. Defendant SPARKS First Set of Interrogatories, Requests for Admission, and  
25 Requests for Production to CSI Worldwide made pursuant to FRCP 33, 34, and 36.  
26  
27 CSI Worldwide has not yet responded.

## 6. Defendant SPARKS First Set of Interrogatories, Requests for Admission, and

1 Requests for Production to SRS Fabrication, Inc., made pursuant to FRCP 33, 34, and  
2 36. SRS Fabrication, Inc. responded on September 26, 2024.

3 7. Defendant SPARKS MARKETING Subpoena Duces Tecum to Emerging  
4 Vision, Inc., made pursuant to FRCP 45(d). Emerging Vision has not yet responded.

5 8. Defendant SPARKS Subpoena Duces Tecum to Hartford Insurance, made  
6 pursuant to FRCP 45(d). Hartford Insurance has not yet responded.

7  
8 **II.**

9 **DISCOVERY REMAINING TO BE COMPLETED**

10 The Parties plan to complete the following discovery:

11 1. Written discovery of all parties regarding new claims made in Plaintiff's  
12 Amended Complaint and in Cross-claims by SRS FABRICATION, INC. and  
13 CSI WORLDWIDE;

14 2. Subpoena new medical records for recent treatment of Plaintiff;

15 3. Depositions of various witnesses including, but not limited to:

16 a. The parties;

17 b. The parties' retained initial and rebuttal experts; and

18 c. Other percipient witnesses as needed;

19 4. Initial Expert Disclosures;

20 5. Rebuttal Expert Disclosures; and

21 6. Other discovery as needed.

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23 ///

### III.

## REASONS DISCOVERY HAS NOT BEEN COMPLETED

Good cause exists to grant the Parties' request for an extension to discovery deadlines. This is the second request for an extension. Despite the parties' diligence and good faith attempts to pursue discovery in preparation for their respective case, majority of discovery remains to be completed.

Under LR 26-3, if a stipulation is submitted after the expiration of the applicable discovery deadlines being extended, the parties must demonstrate good cause and excusable neglect. Here, the stipulation is not being submitted before the expiration of the initial expert deadline due to various issues that have caused the parties to experience delay in the deadline for expert disclosures.

The parties recently agreed to stipulate to allow Plaintiff to amend her Complaint to add a claim for strict product liability and name SRS Fabrication, Inc. and CSI Worldwide as Defendants. A Stipulation and Order in that regard was granted on August 30, 2024. The parties are now answering cross-claims and addressing new claims and specific factual allegations raised in the Amended Complaint and Answers and Cross-Claims thereto. Among these allegations are factual assertions regarding transportation issues and repair that first appeared in SRS and CSI's Cross-Claims. Such claims require additional expert testimony and have made the current expert deadlines impossible due to expert schedules and the need for additional discovery. As such, the deadlines cannot be reasonably met despite the diligence of the Parties who seek the extension. *See Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992).

The parties have also been conferring and cooperating on the need for additional time to complete expert testimony before the Initial Expert deadline. On September 20, 2024, the parties met and conferred pursuant to Rule 26(f) to address the new claims and recent amendments. [See Notice, attached as Exhibit A]. At this conference, the parties agreed to the deadlines in this Stipulation and Order. In reliance on this

1 agreement, the parties continued discovery and engaged experts to address the  
 2 Plaintiff's Amended Complaint, which now included a claim for strict liability. The  
 3 undersigned mistakenly believed that a new Scheduling Order would circulate and  
 4 address the deadlines, making this Stipulation moot. Upon realizing her error, the  
 5 undersigned again conferred on these deadlines, confirmed that all parties had been  
 6 relying on them, and submitted the Stipulation to the court on October 11, 2024. [ECF  
 7 52].

8 It is believed the Court's granting of this Stipulation would further the interests  
 9 of justice and advance the merits of this case. Accordingly, this request for an  
 10 extension of time is not sought for any improper purpose or other purpose of delay.  
 11 Rather, it is sought by the parties solely for the purpose of allowing sufficient time to  
 12 conduct discovery, including expert analysis and evaluation as noted above.  
 13 Accordingly, the Parties are requesting a 97-day extension to all remaining discovery  
 14 deadlines to allow all parties to fully participate in discovery, allow experts to address  
 15 strict liability claims, and to avoid holiday interruptions.

16

17 **IV.**

18 **PROPOSED SCHEDULE FOR COMPLETING DISCOVERY**

19 The Parties hereto, and for good cause described in this stipulation, and in  
 20 accord with Local Rule 6-1 and Local Rule 26-3, request this Honorable Court to adopt  
 21 and approve this stipulated extension to the discovery plan, and continue the discovery  
 22 deadlines as requested below:

24 <b>DISCOVERY EVENT</b>	25 <b>CURRENT DEADLINES</b>	26 <b>PROPOSED DEADLINES</b>
27 Initial Expert Disclosures	28 September 27, 2024	<b>January 2, 2025</b>
Rebuttal Expert Disclosures	October 28, 2024	<b>February 3, 2025</b>
Close of Discovery	November 28, 2024	<b>March 5, 2025</b>
Dispositive Motions	December 26, 2024	<b>April 2, 2025</b>
Joint Pre-Trial Order	January 27, 2025	<b>May 5, 2025</b>

1 The parties hereby stipulate the proposed changes in the discovery deadlines.  
2

3 Dated: October 16, 2024  
4

5 Dated: October 16, 2024  
6

7 BREMER WHYTE BROWN &  
8 O'MEARA LLP  
9

10 KOELLER NEBEKER CARLSON &  
11 HALUCK, LLP  
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13 /s/ Ashley L. Zurkan  
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30 *CSI WORLDWIDE*  
31

32 Dated: October 11, 2024  
33

34 Dated: October 16, 2024  
35

36 GORDON REES SCULLY  
37 MANSUKHANI LLP  
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39 *HALL JAFFE, LLP*  
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52 /s/ Kevin S. Smith  
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60 *SRS FABRICATION, INC.*  
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62 Dated: October 16, 2024  
63

64 EDWARD M. BERNSTEIN &  
65 ASSOCIATES  
66

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69 Nevada State Bar No. 11189  
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72 *Attorney for Plaintiff*  
73

## ORDER

Based upon the stipulation of the parties hereto, and for good cause appearing:  
IT IS HEREBY ORDERED that the discovery deadlines are extended as follows:

<b>Event:</b>	<b>Deadline:</b>
Expert Designations:	January 2, 2025
Rebuttal Expert Designations:	February 3, 2025
Discovery Cutoff Date:	March 5, 2025
Dispositive Motions:	April 2, 2025
Joint Pre-Trial Order:	May 5, 2025

DANIEL J. ALBREGTS  
UNITED STATES MAGISTRATE JUDGE  
DATED: 10/18/2024

Respectfully submitted,

BREMER WHYTE BROWN & O'MEARA LLP

By: s/ Ashley L. Zurkan

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Nevada State Bar No. 12935

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*Attorneys For Defendant*

Sparks Marketing, LLC